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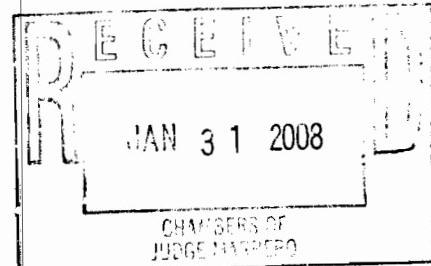
DOC #:

DATE FILED: 2/4/08

January 31, 2008

VIA FAX (212) 805-6382

The Honorable Victor Marrero, U.S.D.J.
 United States District Court
 Southern District of New York – U.S. Courthouse
 500 Pearl Street, Room 660
 New York, NY 10007-1312



RE: Days Inn Worldwide, Inc. v.
 JBS Inc, II, Jonathan B. Smith and Marci Singleton Smith
 Index No. 08-CV-0027 (VM)

Dear Judge Marrero:

My name is Jonathan B. Smith and I am the defendant in the above matter.

Judge Marrero, as I have not been served on this matter and have just learned of this action from my estranged wife, also a defendant, I respectfully request and ADJOURNMENT of this matter, currently scheduled before you on February 1st at 2 p.m.

I hold to the court that I will hire proper counsel immediately and will direct my counsel to contact Plaintiff's counsel as soon as possible so that they can compare calendars and jointly request rescheduling of this matter.

Respectfully submitted,

Jonathan B. Smith
 228 North Front Street
 Suite 101
 Wilmington, NC 28401

JBS/lab

<p><i>Defendants are directed to respond by 2-15-08 to the Plaintiff's order dated 1-9-08 directing plaintiff to show cause why this case should not be transferred to the district of South Carolina for the convenience of parties and witnesses. Plaintiff has opposed the transfer, citing SO ORDERED: this will settle clause in the parties' agreement.</i></p>	
DATE	VICTOR MARRERO, U.S.D.J.